

REMARKS

Claims 1-10 were pending in this Application as of the Office Action of October 6, 2010, with claims 4-9 having been previously withdrawn. Claim 11 is added with this Response. The Examiner's and rejection will now be respectfully addressed.

Rejections under 35 U.S.C. §103(a)

Claims 1-3 are rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No.755,644 to Guild ("Guild" hereinafter) in view of United States Patent No. 5,475,910 to Yamamota ("Yamamota" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claims 12 and 13 recite *inter alia*,

“, and forming at least one indentation comprising at least one light-reflecting facet.”

Neither Guild nor Yamamoto, taken alone or in combination, teach formation of at least one indentation comprising at least one light-reflecting facet. On the contrary, Guild repeatedly references formation of “burs” in the material *c*. Burs, by definition, are ragged edge raised on the surface of metal during drilling, shearing, punching, or engraving...or rough or irregular protuberances on any object (dictionary.com). This definition of a rough surface is in line with applying heat to the material *c* (as is taught in Guild at page 2, lines 20-23), in that application of heat to plastic will result in a rough, non-reflective surface at least at the points of heat application. For at least this reason, and contrary to the Examiner's assertion at page 2 of the Office Action, Guild fails to teach a light reflecting facet created by an indentation. Thus, since Yamamoto fails to remedy this deficiency of Guild (and is not used as such by the Examiner),

Applicant respectfully asserts that the proposed combination of Guild and Yamamoto fails to teach every element of Applicant's claims.

In addition, Applicant respectfully notes that Guild discloses his "invention" to be "specifically intended" for use in plastic material (please see page 2, lines 18-23). Accordingly, Guild teaches against a combination/modification with the metal of Yamamoto (or any metal for that matter).

With further reference to page 2, lines 18-23 of Guild, it is respectfully noted that Guild also discloses his "invention" to be "specifically intended" for material that may be softened by the application of heat. As metal will obviously not be softened via the same procedures as plastic (increased heat, different tools and precautions, etc.), a modification to Guild that results in a softening of metal (particularly hard metals such as the titanium recited in Applicant's new claim 11) will require a change in the principle operation of Guild, and be improper under MPEP 2143.01 VI. In addition, if Guild were modified such that metal softening techniques were applied to the plastic material *c*, the material would deform beyond recognition and be rendered inoperable. Such a modification would be improper under MPEP 2143.01 V.

Lastly, Applicant respectfully notes that the Guild reference is over 100 years old. This is important in that if, *pro arguendo*, Guild were to be improperly interpreted to have *tried* to create a smooth light reflecting surface in the material *c* (such an interpretation being necessary if one were to conclude that Guild teaches the light reflecting facet of Applicant's claims), it would certainly be concluded that Guild *failed* to do so (see the "bur" discussion above). Accordingly, a reference of Guild's age would be improper in an obviousness rejection because it would have "tried and failed to solve the problem." (Please see MPEP 2145 VIII, *In re Wright*, 569 F.2d 1124, 1127, 193 USPQ 332, 335 (CCPA 1977))

For at least the above, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1-3 and 11, with respect to the proposed combination of Guild and Yamamoto.

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,

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